

REMARKS

Applicant thanks the Examiner for our phone conversation on August 20, 2004. Claims 1, 9, 18 and 25 are amended. Claim 31 is new. Claims 1-6, 8-15, 17-22, 24-29, and 31 are pending.

Claim 1 of the application recites a method that includes automatically upgrading internal software of a peripheral device installed in a network device using an upgrade package. The upgrade package includes a flash erase file and upgrade software for the peripheral device. The method includes appending contents of the flash erase file to a packet header, the packet header containing instructions for the peripheral device to overwrite contents of software in the peripheral device. The method also includes transferring the packet header and upgrade software to the peripheral device over a connection. Independent claims 9, 18, and 25 recite similar features.

Regarding the prior art of record, the Final Office Action of May 5, 2004 at page 3, lines 11-13, acknowledged that the Deegan et al. patent does not explicitly disclose a flash erase file for erasing flash memory contents. The Moser et. al. patent does disclose a method for erasing contents of memory in a peripheral device; however, the method disclosed is very different from the subject matter of the pending claims. For example, there is no disclosure or suggestion in the cited prior art of appending the contents of a flash erase file to a packet header that contains instructions to overwrite contents of software in the peripheral device and to transfer the packet header and upgrade software to the peripheral device over a connection. The cited prior art of record does not disclose or suggest the subject matter recited in independent claims 1, 9, 18, and 25.

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Applicant asks that all claims be examined in view of the amendment to the claims.

Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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